

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ROBERT GRIZZLE, #1998719, §
§
Plaintiff, §
§
v. § Case No. 6:21-cv-447-JDK-KNM
§
STACIE MCCOLLUM, et al., §
§
Defendants. §

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff, a prisoner of the Texas Department of Criminal Justice proceeding pro se and *in forma pauperis*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights in prison. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On January 18, 2023, the Magistrate Judge ordered service upon and a response from Defendants in this case. Docket No. 19. On that same day, the Magistrate Judge submitted a Report and Recommendation that Plaintiff's claim for violation of the Prison Rape Elimination Act and for failure to investigate or discipline anyone over Plaintiff's reported rape be dismissed for failure to state a claim pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2). Docket No. 18. A copy of this Report was mailed to Plaintiff, who received it on January 25, 2023, and did not file written objections. Docket No. 20.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent

assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 18) as the findings of this Court. It is therefore **ORDERED** that Plaintiff's claim for violation of the Prison Rape Elimination Act and for failure to investigate or discipline anyone over Plaintiff's reported rape are dismissed from this suit for failure to state a claim pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2).

So **ORDERED** and **SIGNED** this **6th** day of **March, 2023**.



JEREMY D. KERNODEE
UNITED STATES DISTRICT JUDGE